

Fred Levin

March 29, 1937 – January 12, 2021

One of America's most interesting, successful, and controversial trial lawyers, Fred Levin, died on January 12, 2021, of COVID; after having survived stage 4 lung and brain cancer. He was asymptomatic for 10 days, and died within 5 days of experiencing any symptoms, despite receiving the most advanced and best treatment available in the United States.

Fred was born on March 29, 1937, in Pensacola, Florida. He grew up in a conservative Jewish household, with his mother (Rose), father (Abe), and brothers (David, Herman, Stanley, Martin, and Allen).

Fred attended Pensacola High School, and then the University of Florida, where he met his future wife, Marilyn. The two had been married for 51 years upon Marilyn's passing on February 6, 2011.

In 1958 Fred entered the University of Florida College of Law. In the first few weeks of law school, he received news that his brother Martin didn't have long to live, succumbing to the end-stages of leukemia. Fred approached the dean of the law school, and asked for a few days away from school to attend his brother's funeral. The dean looked at Fred's poor undergraduate record, and told him that he could take the time off and that he didn't need to return as he never would make it through law school.

Fred drove from Gainesville to Pensacola to attend his brother's funeral. Ignoring the advice of the dean, Fred returned to law school where he thrived, finishing third in his class.

Legal Career

In 1961, Fred began practicing in the law firm of Levin & Askew (now known as Levin Papantonio Rafferty, Proctor, Buchanan, O'Brien, Barr & Mougey) in Pensacola. The firm was founded by Fred's brother David and Reubin Askew, who eventually would go on to become a two-term governor of Florida and candidate for President of the United States.

Fred began his legal career in family law, but once a client explained to him that her husband said he would kill her divorce lawyer, he chose to switch to general civil law. The first case that brought Fred national attention was *Thorshov v. L&N*. Dr. Jon Thorshov, a thirty-eight-year-old physician, his wife, his four-year-old daughter, and his one-year-old son were at their home in Pensacola when a massive freight train operated by L&N derailed near their home on November 9, 1977, and released anhydrous ammonia. The family attempted to escape their home, but were overcome by the fumes. Dr. and Ms. Thorshov died, and both children sustained serious physical injuries. In 1980, Fred received a jury verdict for the family in the amount of \$18 million, which included the highest personal injury compensatory award in America at the time.

After the Thorshov case, Fred became in high demand as a trial lawyer—writing a book, lecturing throughout the country, representing politicians, and racking up multiple million-dollar jury verdicts. By the time of his death, Fred had received more than thirty jury verdicts in excess of \$1,000,000 (six in excess of \$10,000,000). He was listed in every edition of *Best Lawyers in*

America; was a member of the Inner Circle of Advocates; and was inducted into The Trial Lawyers Hall of Fame.

Tobacco Litigation

Fred's greatest notoriety came as a result of rewriting Florida's Medicaid Third-Party Recovery Act, permitting the state of Florida to sue the tobacco industry for Medicaid costs in treating smoking related illnesses. After coming up with the idea and then writing the legislation, Fred approached a good friend who was the dean of the Florida Senate. The two then went to the Governor of Florida, who loved the idea. The dean of the Senate was able to get the law passed on the last day of session, during the last minutes of the session.

After the passage of Fred's law, John French, a lobbyist for Philip Morris USA, railed, "This is probably the single biggest issue to ever have been run through in the dead of the night." Gannett News Service wrote: "What they engineered was a first-of-its-kind bill making it much easier for the state to recoup money it spends for treating cancer patients and others with smoking-related diseases. . . . Its created such an uproar in Tallahassee that tobacco companies have pledged millions of dollars to fight the bill either by getting it vetoed or using the upcoming special session on health care to change or eliminate it."

John Banahaf, executive director of Action on Smoking and Health, said: "I could say, I think without exaggerating, that the financial life of the tobacco industry is riding on [the veto of the bill]." Professor Richard Daynard of Northeastern University said, "If [the bill] gets signed, it will be the single biggest blow against the tobacco industry and for the public health that's ever been done in the United states."

Challenges to Fred's law made it all the way to the United States Supreme Court, but Fred's law was upheld. Immediately after jury selection, the tobacco industry settled with the State of Florida for a record \$13 billion. Soon thereafter, Fred appeared on ABC's "20/20" talking to reporter John Stossel. While interviewing him for the piece, Fred lit up a cigarette, which ABC highlighted in the segment. Next, he appeared on two full pages of *George Magazine*, standing on his putting green in a tuxedo, drinking Crown Royal whiskey and smoking a cigarette. He was then highlighted in a *Time Magazine* article entitled: "Are Lawyers Running America?"

Boxing Management Career

In 1989, Fred began managing the boxing career of Roy Jones, Jr., who had just returned from Seoul, Korea, having earned a silver medal in the 1988 Olympic Games. Fred knew nothing about boxing at the time he began representing Roy, but he battled against the established promoters such as Don King, Dan Duva, and Bob Arum to get Roy a middleweight championship fight against James Toney. Roy won the fight, and earned a multimillion-dollar long-term contract with HBO. Fred received the 1995 Al Buck Award from the Boxing Writers Association of America as boxing manager of the year; and received the Rocky Marciano Foundation President's Award in 2001.

Fred managed Roy's boxing career from 1989 – 2003. Fred's last fight with Roy was the pinnacle of both of their boxing careers. Fred arranged for Roy to fight John Ruiz on March 1, 2003, in Las Vegas for the heavyweight championship of the world. Ruiz had recently defeated

Evander Holyfield for the championship. Jones officially weighed in at 193 pounds to Ruiz's 226 pounds. Incredibly, Jones ended up winning a unanimous decision, becoming the first former middleweight title holder to win a heavyweight title in 106 years. Jones also became the first fighter in history to start his career as a junior middleweight and become a heavyweight champion.

Fighting Racial Injustice

Fred was a fighter for racial equality beginning with the Civil Rights Movement. When Fred entered the University of Florida College of Law in 1958, George Starke, the first African American student to enter a public institution in the state of Florida, entered with Fred's class. Fred described the first day as follows: "They had all of us on one side of the auditorium and George was all by himself, except for all the Secret Service people. Up to that point, I had not thought much about racial issues. I looked over and my heart went out to him. Here were 350 white law students and this one black guy. He was dressed in a suit, and the rest of us were dressed like bums. They started shuffling him, which is rubbing your feet together on the floor like they do in prison. . . . I always studied in the library, and I would look across at George because he always had to sit at a table by himself and everybody would shuffle their feet. It just tore me up. I wanted to go over and sit with him, but I didn't have the guts."

After the first semester of law school, Fred was ranked at the top of his class. It was then that Fred found the courage to approach George to become his study partner. One day Fred was studying in the library. George walked in, and everyone started shuffling him. Fred got up and walked over to George, and asked if he wanted to be his study partner, and George said yes. The two remained study partners for the next two years. When the law school was renamed to the Fredric G. Levin College of Law in 1999, George attended and spoke in support of Fred.

Shortly after becoming a lawyer in Pensacola in 1961, Fred nominated Nathaniel Dedmond to be the first African American as a member of the Escambia-Santa Rosa Counties Bar Association. The Association was so offended by the nomination that they had several of the wives call Marilyn, Fred's wife. They asked her how she would like to be sitting next to Nathaniel Dedmond's wife at a bar meeting. They were hoping to get Marilyn to go to Fred and have him drop the nomination. Instead, Marilyn replied: "Oh, yes, that would be great." Fred commented that he had never been more proud of Marilyn. When the nomination finally came up for vote, the Association quickly voted against Fred's nomination.

Fred continued his efforts on behalf of the black community, and in 1999, he received recognition by being named a Chief of the country of Ghana, and receiving a citation from the U.S. Congressional Black Caucus; which provides in part: "We of the Congressional Black Caucus wish to join with the distinguished world citizens and other leaders in congratulating you on your designation as a Ghanaian Chief. But more specifically, we wish to honor your lifelong contributions to bettering the lives of the people of Ghana and the people of America. Long before we became aware of your outstanding contributions in Africa, we knew of your work as a lawyer fighting on the side of underprivileged people in America. We thank you for that rich legacy. We are proud that the world community is now beginning to recognize your valuable service to it as well."

Charitable work

In the early 1990s, Fred gave the first professorship at the University of West Florida, in honor of his father.

In 1998, Fred gave the University of Florida law school the second largest cash donation ever given to a public law school, as of that time. In 1999, the law school name was officially changed to the University of Florida Fredric G. Levin College of Law.

In 1998, Fred contributed \$2 million to the Levin & Papantonio Family Foundation. This non-profit foundation promotes individuals and organizations that care for and assist children with the basic needs of life – food, shelter, clothing, a safe home environment, and education.

In 2006, Fred gave the University of Florida law school an additional \$2 million to help fund the Martin H. Levin Advocacy Center, which has become one of the top advocacy centers in America.

In 2013, Fred gave \$1 million in memory of his wife to the Lubavitch-Chabad Student and Community Center at the University of Florida.

In 2015, Fred (along with his sister-in-law Teri Levin) gave \$1 million to the YMCA of Northwest Florida to support the construction of its new facility in downtown Pensacola.

In 2016, Fred gave \$1 million to the Florida Institute for Human and Machine Cognition to help fund the institute's 30,000 square foot research facility in artificial intelligence, robotics, human-centered computing, agile and distributed computing, and many related areas.

In 2017, Fred gave \$550,000 to the University of West Florida to establish the Reubin Askew Institute for Multidisciplinary Studies.

In 2017, Fred gave \$2 million to the Brigham & Women's Hospital to establish the Fredric G. Levin Distinguished Chair in Thoracic Surgery and Lung Cancer Research. The gift was given in honor of Dr. Raphael Bueno for saving Fred's life after he was diagnosed with stage 4 lung cancer.

In 2018, Fred gave an \$8 million home, including its personal belongings, to the University of West Florida. In honor of the gift, the school named its government department the Reubin Askew Department of Government.

In 2019, Fred gave 300,000 shares of Charlotte's Web Holdings, LLC stock to the University of Florida Levin College of Law. At the time of the announcement of the donation, the stock was valued at \$6 million.

In 2019, Fred donated \$2 million to Dana-Farber Cancer Institute to establish the Fredric G. Levin Endowment in Translational Cancer Research.

Survivors

Fred is survived by his children Marci Goodman (husband Ross), Debra Dreyer (former spouse and friend Mark), Martin Levin (wife Terri) and Kimberly Brielmayer (husband Gary), as well as his grandchildren, Jacqueline Goodman (fiancé Jeffrey Martorell), Brenton Goodman (wife Stephanie), Jacob Dreyer, Tyler and Alexandra Brielmayer, Dustin and Jayden Levin, and his great-grandchild Levi Goodman. He is also survived by his sisters-in-law Teri Levin and Pamela Levin, and way too many family members and personal friends to acknowledge, including but far from limited to Brenda Vigodsky, Phillip Morris, Mark Proctor, Mike Papantonio, Troy Rafferty, and Virginia Buchanan.

Final Remarks

PLEASE EVERYONE, JUST WEAR A MASK! It's not too much to ask. It makes the difference of saving a life or taking a life.